

MINUTES (Draft / Unapproved Circulated March 17, 2020)

February 20, 2020 – 1:00 PM Central Time
AmericInn – Walton Conference Room
312 Island Drive
Ft. Pierre, SD

1. Fay Jandreau called the meeting to order at 1:00PM CT.

Board Members in attendance: Chairman, Fay Jandreau, Representing Telecommunication Companies Offering Local Exchange Service to Less Than 50, 000 Customers; Jim Scull, Representing Excavation Contractors; Steve Mohr, Representing Community Antenna Television Systems; Bleau LaFave, Representing Investor-Owned Natural Gas Utilities; Kevin Kouba, Representing Investor-Owned Electric Utilities; Mark Meier, Representing Municipalities; Loren Beld, Representing Excavation Contractors; Brett Koenecke, Legal Counsel; Larry Janes, Executive Director; Codi Gregg, Deputy Director.

Unable to attend: Vice Chairman, Doug Larson, Representing Interstate Carriers of Gas or Petroleum; Dan Kaiser, Representing Telecommunication Companies Offering Local Exchange Service to More Than 50,000 Customers; Ed Anderson, Representing Rural Electric Cooperatives; Lloyd Rave, Representing Rural Water Systems;

Guests in attendance: Scott Sasajima, Texas 811; Boice Hillmer, PUC Pipeline Safety Inspector.

2. Mark Meier made the motion to approve the minutes as printed for the October 2, 2019, November 19, 2019, and February 7, 2020 Board Meetings. Bleau LaFave seconded the motion. **Motion carried unanimously.**
3. The Board of Directors reviewed the financial summary including expenditure details for November 1, 2019 through January 31, 2020. The Board of Directors discussed the 2021 Budget submitted to Joint Appropriations Committee. Bleau LaFave made the motion to approve the financial summary and expenditures. Loren Beld seconded the motion. **Motion carried unanimously.**
4. Operations – South Dakota 811 and Texas811 Performance Results
 - a. Ticket volume history was reviewed. Incoming tickets was up ten percent in January 2020. Outgoing tickets were up twelve percent in January 2020.
 - b. Ratio Outgoing to Incoming Tickets is at 5.44%, also an increase from recent years.
 - c. Electronic Ticketing was reviewed. Texas 811 did detail the loss of service that occurred on Monday, February 20, 2020. Due to the loss of a server, communications to the 811 Center were disrupted. Texas 811 diligently worked to restore services and communication in a timely manner. Scott Sasajima, Texas 811, answered Board Member questions and assured the Board Texas 811 will continue to strive to ensure services.
 - d. Dispatched Tickets by Type was reviewed and the report discussed.

- e. Speed of Service is within contract requirements at 8 and 9 seconds during peak hours and normal business hours.
- f. Damages without Ticket #'s report was reviewed. Twenty-four damages were reported to the 811 Center in January, 2020, seven without a previous ticket submitted. 2019 had a total of 1,216 damages reported, 2018 had 1,191 damages reported. We are seeing an increase, which was anticipated. Damage reporting is required by state law.
- g. Damages with Ticket #'s vs. without Ticket #'s was discussed. One third of damages reported did not have a previous locate ticket. This ratio has been noted for several years.
- h. Gas Damages – Monthly & Year to Year Comparison was discussed.

Executive Director Report Items:

- 5. The Board of Directors discussed hiring Roger Cox with Aligning Change to do a follow up training during an upcoming Board Meeting. Loren Beld made the motion that we hire Aligning Change again to complete more Board training. Mark Meier seconded the motion. **Motion carried unanimously.**
- 6. The Board has been discussing providing scholarships to students involved in excavation, as budgeting purposes allow. As the Appropriations Committee works to finalize the state budget, the Board of Directors will make its final decision. This item was tabled.
- 7. The Board of Directors discussed potential changes to the enforcement process. Due to the increasing number of complaints being filed, the need to streamline the Enforcement Panel process is being reviewed and updated. A vetting process and penalty assessment was discussed. The strategic planning committee will review the process and be prepared to offer possible changes at our May Board Meeting.
- 8. The Board of Directors will work with the website administrator to redesign the website after reviewing pricing and website layouts. Jim Scull made the motion to approve the expenses. Steve Mohr seconded the motion. **Motion carried unanimously.**
- 9. Fay Jandreau and Codi Gregg have been looking to provide iPads and software for improving efficiencies of the Board members. iPads would remain the property of the state. The Board reviewed the product that was demonstrated. After discussion on the app, training, costs and the purpose, Jim Scull made the motion to purchase the program that was demonstrated. Loren Beld seconded the motion. **Motion carried unanimously.**
- 10. The Executive Director Contract expires on July 31, 2020. The Board of Directors discussed the RFP process, plan, and committee members. Bleau LaFave made the motion to establish an RFP committee tasked to create, distribute and receive the RFP and responses. Mark Meier seconded the motion. **Motion carried unanimously.**
- 11. Board discussion of the following Complaints:
The Board of Directors reviewed the complaints and the recommendations prior to the Board meeting. Bleau LaFave made the motion to approve all of the recommendations as printed. Loren Beld seconded the motion. **Motion carried unanimously. Please note Steve Mohr abstained from OC19-048 and Oc19-049. Mark Meier abstained from OC19-068 and OC19-069.**

OC19-044 – In the Matter of the Complaint Filed by Montana Dakota Utilities, Rapid City, SD Against John Green, Oral, SD for an Incident Occurring on August 29, 2019 at 3725 Hillsview Rd, Spearfish, SD. Today shall the One Call Board accept the recommendation of the Enforcement Panel, and shall the One Call Board close the Docket, and shall the Board pursue collection activity if the requirements are not met?

OC19-045 – In the Matter of the Complaint Filed by Montana Dakota Utilities, Rapid City, SD Against RCS Construction, Rapid City, SD for an Incident Occurring on September 3, 2019 at 428 E. Fairlane Drive, Rapid City, SD. Today shall the One Call Board accept the recommendation of the Enforcement Panel, and shall the One Call Board close the Docket, and shall the Board pursue collection activity if the requirements are not met?

OC19-046 – In the Matter of the Complaint Filed by Montana Dakota Utilities, Rapid City, SD Against Heavy Construction, Rapid City, SD for an Incident Occurring on September 7, 2019 at 0 Promise Road, Rapid City, SD. Today shall the One Call Board accept the recommendation of the Enforcement Panel, and shall the One Call Board close the Docket, and shall the Board pursue collection activity if the requirements are not met?

OC19-047 – In the Matter of the Complaint Filed by Montana Dakota Utilities, Rapid City, SD Against Simon, Rapid City, SD for an Incident Occurring on September 7, 2019 at 0 St Louis / E. Blvd., Rapid City, SD. Today shall the One Call Board accept the recommendation of the Enforcement Panel, and shall the One Call Board close the Docket, and shall the Board pursue collection activity if the requirements are not met?

OC19 -048 – In the Matter of the Complaint Filed by Midco, Sioux Falls, SD against Sod Busters and B Green for incidents occurring on various dates at various locations, as described in the complaint in Sioux Falls, SD. Today shall the One Call Board accept the recommendation of the Enforcement Panel, and shall the One Call Board close the Docket, and shall the Board pursue collection activity if the requirements are not met?

OC19 -049 – In the Matter of the Complaint Filed by Midco, Sioux Falls, SD against Sod Busters and B Green for incidents occurring on various dates at various locations, as described in the complaint in Sioux Falls, SD. Today shall the One Call Board accept the recommendation of the Enforcement Panel, and shall the One Call Board close the Docket, and shall the Board pursue collection activity if the requirements are not met?

OC19 -050 – In the Matter of the Complaint Filed by Excavating Specialist, Rapid City, SD against Montana Dakota Utilities Co., Rapid City, SD, for an incident occurring on September 4, 2019 at 171 West Pine Street, Spearfish, SD. Today shall the One Call Board accept the recommendation of the Enforcement Panel, and shall the One Call Board close the Docket, and shall the Board pursue collection activity if the requirements are not met?

OC19 -051 – In the Matter of the Complaint Filed by Montana Dakota Utilities Co., Rapid City, SD against RCS Construction, Rapid City, SD, for an incident occurring on September 9, 2019 at 2709 Willow Avenue, Rapid City, SD. Today shall the One Call Board accept the recommendation of the Enforcement Panel, and shall the One Call Board close the Docket, and shall the Board pursue collection activity if the requirements are not met?

OC19 -052 – In the Matter of the Complaint Filed by Montana Dakota Utilities Co., Rapid City, SD against Vifquain Concrete, Rapid City, SD, for an incident occurring on September 13, 2019 at 1767 City Springs Road, Rapid City, SD. Today shall the One Call Board accept the recommendation of the Enforcement Panel, and shall the One Call Board close the Docket, and shall the Board pursue collection activity if the requirements are not met?

OC19 -053 – In the Matter of the Complaint Filed by Montana Dakota Utilities Co., Rapid City, SD against Excavating Specialists, Rapid City, SD, for an incident occurring on September 20, 2019 at 195 Pine Cone Avenue, Spearfish, SD. Today shall the One Call Board accept the recommendation of the Enforcement Panel, and shall the One Call Board close the Docket, and shall the Board pursue collection activity if the requirements are not met?

OC19 -054 – In the Matter of the Complaint Filed by Montana Dakota Utilities Co., Rapid City, SD against Quinn Construction, Rapid City, SD, for an incident occurring on September 23, 2019 at 449 American Way, Rapid City, SD. Today shall the One Call Board accept the recommendation of the Enforcement Panel, and shall the One Call Board close the Docket, and shall the Board pursue collection activity if the requirements are not met?

OC19 -055 – In the Matter of the Complaint Filed by Montana Dakota Utilities Co., Rapid City, SD against Lind-Exco, Rapid City, SD, for an incident occurring on September 20, 2019 at 1235 Fulton Street, Rapid City, SD. Today shall the One Call Board accept the recommendation of the Enforcement Panel, and shall the One Call Board close the Docket, and shall the Board pursue collection activity if the requirements are not met?

OC19 -056 – In the Matter of the Complaint Filed by Montana Dakota Utilities Co., Rapid City, SD against High Plains Construction, Spearfish, SD, for an incident occurring on September 25, 2019 at 2126 Talisker, Spearfish, SD. Today shall the One Call Board accept the recommendation of the Enforcement Panel, and shall the One Call Board close the Docket, and shall the Board pursue collection activity if the requirements are not met?

OC19 -057 – In the Matter of the Complaint Filed by Montana Dakota Utilities Co., Rapid City, SD against Loyal Plumbing, Rapid City, SD, for an incident occurring on September 30, 2019 at 2020 Elmhurst, Rapid City, SD. Today shall the One Call Board accept the recommendation of the Enforcement Panel, and shall the One Call Board close the Docket, and shall the Board pursue collection activity if the requirements are not met?

OC19 -058 – In the Matter of the Complaint Filed by Montana Dakota Utilities Co., Rapid City, SD against D&L Lawn and Sprinkler, Rapid City, SD, for an incident occurring on September 27, 2019 at 1102 City Springs Road, Rapid City, SD. Today shall the One Call Board accept the recommendation of the Enforcement Panel, and shall the One Call Board close the Docket, and shall the Board pursue collection activity if the requirements are not met?

OC19 -059 – In the Matter of the Complaint Filed by Montana Dakota Utilities Co., Rapid City, SD against Enfield Underground, Letcher, SD, for an incident occurring on October 1, 2019 at 3340 Regent PL, Pierre, SD. Today shall the One Call Board accept the recommendation of the Enforcement Panel, and shall the One Call Board close the Docket, and shall the Board pursue collection activity if the requirements are not met?

OC19 -060 – In the Matter of the Complaint Filed by Montana Dakota Utilities Co., Rapid City, SD against Forest Products Dist., Rapid City, SD, for an incident occurring on October 2, 2019 at 5400 Old Folsom Drive, Rapid City, SD. Today shall the One Call Board accept the recommendation of the Enforcement Panel, and shall the One Call Board close the Docket, and shall the Board pursue collection activity if the requirements are not met?

OC19 -061 – In the Matter of the Complaint Filed by Montana Dakota Utilities Co., Rapid City, SD against Nold Excavation, Black Hawk, SD, for an incident occurring on October 7, 2019 at 0 Ruby's Way, Lead, SD. Today shall the One Call Board accept the recommendation of the Enforcement Panel, and shall the One Call Board close the Docket, and shall the Board pursue collection activity if the requirements are not met?

OC19 -062 – In the Matter of the Complaint Filed by Montana Dakota Utilities Co., Rapid City, SD against Forgey Construction, Spearfish, SD, for an incident occurring on October 9, 2019 at 2515 Paramount, Spearfish, SD. Today shall the One Call Board accept the recommendation of the Enforcement Panel, and shall the One Call Board close the Docket, and shall the Board pursue collection activity if the requirements are not met?

OC19 -063 – In the Matter of the Complaint Filed by Montana Dakota Utilities Co., Rapid City, SD against Legacy Enterprises, Spearfish, SD, for an incident occurring on October 11, 2019 at 21171 Turkey Trail, Lead, SD. Today shall the One Call Board accept the recommendation of the Enforcement Panel, and shall the One Call Board close the Docket, and shall the Board pursue collection activity if the requirements are not met?

OC19 -064 – In the Matter of the Complaint Filed by Montana Dakota Utilities Co., Rapid City, SD against Avvampato Construction, Rapid City, SD, for an incident occurring on October 11, 2019 at 4959 Carriagehills Drive, Rapid City, SD. Today shall the One Call Board accept the recommendation of the Enforcement Panel, and shall the One Call Board close the Docket, and shall the Board pursue collection activity if the requirements are not met?

OC19 -065 – In the Matter of the Complaint Filed by Montana Dakota Utilities Co., Rapid City, SD against Dipiazza Fencing, LLC, Sturgis, SD, for an incident occurring on October 24, 2019 at 4723 Parkview Drive, Rapid City, SD. Today shall the One Call Board accept the recommendation of the Enforcement Panel, and shall the One Call Board close the Docket, and shall the Board pursue collection activity if the requirements are not met?

OC19 -066 – In the Matter of the Complaint Filed by Montana Dakota Utilities Co., Rapid City, SD against Century Sitework, Rapid City, SD, for an incident occurring on October 24, 2019 at 2000 Deadwood Avenue, Rapid City, SD. Today shall the One Call Board accept the recommendation of the Enforcement Panel, and shall the One Call Board close the Docket, and shall the Board pursue collection activity if the requirements are not met?

OC19 -067 – In the Matter of the Complaint Filed by Montana Dakota Utilities Co., Rapid City, SD against Mick's Electric, Rapid City, SD, for an incident occurring on November 1, 2019 at 2001 Hope Court, Rapid City, SD. Today shall the One Call Board accept the recommendation of the Enforcement Panel, and shall the One Call Board close the Docket, and shall the Board pursue collection activity if the requirements are not met?

OC19 -068 – In the Matter of the Complaint Filed by Watertown Municipal Utilities, Watertown, SD against Underground Solutions, Inc., Sioux Falls, SD, for an incident occurring on October 29, 2019 at 517 3rd Street NE, Watertown, SD. Today shall the One Call Board accept the recommendation of the Enforcement Panel, and shall the One Call Board close the Docket, and shall the Board pursue collection activity if the requirements are not met?

OC19 -069 – In the Matter of the Complaint Filed by Watertown Municipal Utilities, Watertown, SD against Underground Solutions, Inc., Sioux Falls, SD, for an incident occurring on October 29, 2019 at 115 1st Avenue, Watertown, SD. Today shall the One Call Board accept the recommendation of the Enforcement Panel, and shall the One Call Board close the Docket, and shall the Board pursue collection activity if the requirements are not met?

OC19 -071 – In the Matter of the Complaint Filed by Montana Dakota Utilities, Rapid City, SD against Kuipers Construction, Rapid City, SD, for an incident occurring on November 7, 2019 at 141 Cobalt, Rapid City, SD. Today shall the One Call Board accept the recommendation of the Enforcement Panel, and shall the One Call Board close the Docket, and shall the Board pursue collection activity if the requirements are not met?

OC19 -072 – In the Matter of the Complaint Filed by Montana Dakota Utilities Co., Rapid City, SD against Dipiazza Fencing, LLC, Sturgis, SD, for an incident occurring on November 12, 2019 at 908 Sheppard Street, Sturgis, SD. Today shall the One Call Board accept the recommendation of the Enforcement Panel, and shall the One Call Board close the Docket, and shall the Board pursue collection activity if the requirements are not met?

OC19 -073 – In the Matter of the Complaint Filed by Montana Dakota Utilities Co., Rapid City, SD against Stuen Construction, Deadwood, SD, for an incident occurring on November 5, 2019 at 11029 Antelope Trail, Lead, SD. Today shall the One Call Board accept the recommendation of the Enforcement Panel, and shall the One Call Board close the Docket, and shall the Board pursue collection activity if the requirements are not met?

OC19 -074 – In the Matter of the Complaint Filed by Montana Dakota Utilities Co., Rapid City, SD against Tru-Form Construction, Black Hawk, SD, for an incident occurring on November 18, 2019 at 0 Haines Ave and Disk Dr, Rapid City, SD. Today shall the One Call Board accept the recommendation of the Enforcement Panel, and shall the One Call Board close the Docket, and shall the Board pursue collection activity if the requirements are not met?

Discussion Items

12. Future Board Meeting Dates were discussed. The dates below were suggested. Meeting dates will be finalized and calendar invites sent out.

--May 13, 2020

--August 27, 2020

--November 11, 2020

13. Staking U locator training April 21 and 22, 2020, Lennox South Dakota was reviewed. This class was very well attended in Rapid City.

14. Positive Response was reviewed. Voluntary responses can be submitted online starting March 1, 2020. The responses are pre-defined and will be visible on Portal. This will be reviewed at the Damage Prevention meetings.

15. Larry Janes will be seeking the Governor Proclamation regarding April as Safe Digging month. This will be shared with Board Members when available.

16. No other agenda items were brought to the Boards attention or discussion held.

17. No public comments were taken.

18. Having no further business, Loren Beld made the motion to dismiss the Board of Directors meeting. Jim Scull seconded the motion. **Motion carried unanimously.**

ONE CALL BOARD ENFORCEMENT PANEL SCHEDULE

2 PM Central Time (1 PM Mountain Time) last Thursday of each month and last Friday during Legislative Session.

CGA - March 24, 2020 to March 26, 2020, Palm Springs, California

Materials presented at this meeting are available on the South Dakota 811 website www.SD811.com as well as the South Dakota Boards and Commissions website at <http://boardsandcommissions.sd.gov/>. They are also available by contacting the Deputy Director in writing at deputydirector@sd811.com, or by calling (605) 863-0951.